

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-05 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03
SS-15 NSC-05 PRS-01 SSO-00 INRE-00 /058 W
-----111159Z 011805 /43

O R 061733Z MAY 77

FM AMEMBASSY MADRID

TO SECSTATE WASHDC IMMEDIATE 158

INFO AMEMBASSY BRUSSELS

AMCONSUL FRANKFURT

AMEMBASSY PARIS

UNCLAS MADRID 3537

DEPARTMENT PASS TO FAA (AIA-MOORE), BRUSSELS, PARIS, FRANKFURT
FOR FAA

E.O. 11652: N/A

TAGS: EAIR,US,SP

SUBJECT: CIVAIR - PROPOSED AGREEMENT TO ESTABLISH CIVIL AVIATION
ADVISORY GROUP (CAAG) IN SPAIN

REF: MADRID 3468

1. AFTER INTERVENTION OF ABMASSADOR AT HIGHEST LEVELS SPANISH GOVERN-
MENT EMBOFF WAS CALLED TO AIR MINISTRY MAY 5 TO DISCUSS LONG-DORMANT
FAA DRAFT AGREEMENT ON ESTABLISHMENT OF CAAG WITH LT. COL.
SERRADA, LEGAL ADVISOR FOR SUBSECRETARIAT OF CIVIL AVIATION
(SCA). SERRADA EXPLAINED THAT, AS PROPOSED BY FAA, AGREEMENT NOT
ACCEPTABLE FOR FOLLOWING THREE REASON (AS POINTED OUT BY MINISTRY
OF FINANCE AND OREIGN AFFAIRS): FIRST, SCA IS "ONLY ADMINISTRATIVE
UNIT" WHICH CANNOT MAKE AGREEMENTS WITH OTHER GOVERNMENTS OR GOVERN-
MENTAL ENTITIES; SECOND, DETAILED LISING OF DIPLOMATIC
RIGHTS AND IMMUNITIES (ARTICLE III, PARA. 3, FIRST SENTENCE) UNNECESS
ARY
AND NOT ACCEPTABLE: STATUS OF FASS PERSONNEL ASSIGNED WILL DEPEND
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ON ACREDITATION BY EMBASSY; AND, THIRD, LIABILITY PROVISIONS
OF ARTICLE IV NOT ACCEPTABLE SINCE IT APPEARED TO SPANISH THAT
THIRD PERSONS WOULD HAVE NO RECOURSE FOR DAMAGES, NOT EVEN TO
SPANISH GOVERNMENT. EMBOFF AGREED TO MEET WITH MINISTRY OF FOREIGN
AFFAIRS (MFA) OFFICIALS TO ATTEMPT WORK OUT ACCEPTABLE SOLUTION.

2. ON MAY 6 EMBOFF MET WITH MFA OFFICIALS (YTURRIAGA AND FERNANDEZ

FABREGAS, INTERNATIONAL TECHNICAL COOPERATION, AND REPRESENTATIVE OF LEGAL SECTION). AFTER CONSIDERABLE DISCUSSION SPANISH AGREED THAT PROBLEMS COULD BE RESOLVED AS FOLLOWS: FIRST, AGREEMENT WOULD BE EFFECTED THROUGH EXCHANGE OF NOTES BETWEEN EMBASSY AND MFA; SECOND, "RIGHTS AND IMMUNITIES" PROBLEM CAN BE SOLVED BY DROPPING FIRST SENTENCE, PARAGRAPH 3, ARTICLE III, AND STATING SIMPLY THAT FAA PERSONNEL WILL BE "ACCREDITED AS A PART OF THE UNITED STATES DIPLOMATIC MISSION"; THIRD, LIABILITY PROBLEM CAN BE SOLVED BY ADDING

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AT END OF ARTICLE IV (AFTER "...THIS AGREEMENT) THE PHRASE "WITH THE AIR MINISTRY ASSUMING SUCH A LIABILITY." ACCORDING TO MFA LAWYER THIS "SUBROGATES THE LIABILITY, WITHOUT WHICH THE AGREEMENT WOULD HAVE NEEDED APPROVAL OF THE SPANISH CORTES." IN ADDITION TO THESE CHANGES "MINISTRY OF AIR" SHOULD REPLACE "SCA" THROUGHOUT AGREEMENT, SINCE SPANISH SAY THAT A MINISTRY IS LOWEST LEVEL PERMITTED TO BE PARTY TO SUCH AGREEMENT.

3. COMMENT: EMBASSY BELIEVES THAT SPANISH PROPOSAL SHOULD POSE NO PROBLEMS FOR USG AND SHOULD BE ACTED ON AS EARLY AS POSSIBLE. WE ARE SENDING BY SEPTTEL (MADRID 3536) PROPOSED EXCHANGE OF NOTES. IN VIEW OF SPANISH CONTROLLER'S THREAT TO CALL TOTAL STRIKE ON MAY 20 AND VARIOUS AIR TRAFFIC CONTROL PROBLEMS LINKED TO ANTICIPATED INCREASED TRAFFIC IN SUMMER AND INTRODUCTION OF NEW EQUIPMENT IN BARCELONA ABOUT JUNE 1, WE ANTICIPATE REQUEST FROM AIR MINISTRY FOR URGENT DISPATCH OF FAA PERSONNEL. WHILE IT IS TRUE THAT SPANISH "CLEARANCE PROCEDURE" HAS MANAGED TO HOLD UP AGREEMENT FOR ALMOST FOUR MONTHS, NOW THAT RED TAPE HAS BEEN SLICED WE RECOMMEND THAT AMBASSADOR BE AUTHORIZED PROMPTLY TO EXCHANGE NOTES WITH GOS.STABLER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Control Number: n/a
Copy: SINGLE
Sent Date: 06-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977MADRID03537
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770165-0936
Format: TEL
From: MADRID
Handling Restrictions: n/a
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ISecure: 1
Legacy Key: link1977/newtext/t19770586/aaaacvvn.tel
Line Count: 97
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Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: c6ba8a99-c288-dd11-92da-001cc4696bcc
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TAGS: EAIR, US, SP
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Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/c6ba8a99-c288-dd11-92da-001cc4696bcc
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